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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,366

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Alexandr Vasilievich Volkov

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EXAMINER

VIRANY, LESLIE R

ART UNIT

PAPER NUMBER

2622

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,366	Applicant(s) VOLKOV, ALEXANDR VASILIEVICH	
	Examiner LESLIE VIRANY	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method of Video-Recording Psychophysiological Reactions.

Claim Objections

Claim 13 is objected to because of the following informalities: as written, the claim depends on claim10 which appears to be an error: it should depend on claim 12. Examiner has examined the claim as though it depended on claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Latypov (US 6909451) in view of Durousseau. (US 20040143170 – provisional #60435511)

Regarding claims 1 & 22, Latypov teaches a system for creation of video-programs comprising a videocamera to shoot a participant of the videoprogram, [FIG. 1 video camera 1] generating means to generate a videoimage of the videoprogram including an image of the participant shot by the videocamera. [FIG. 1 image former 3 and as described in col. 5, lines 13-15]

Latypov further teaches mixing means to add parameters of the measured data of the reflex psychophysiological reactions to the videoimage of the videoprogram. [FIG. 3 combiner 19] Latypov fails to teach that detailed data reflecting the reaction of the filmed subject is collected, processed, and used to modify the video program presented to the subject, as claimed.

However, Dourousseau teaches measuring means to measure data of reflex psycho-physiological reactions of the participant in response to verbal influences during the shooting of the participant, [§0050, lines 6-9 (Provisional §0042)]

Dourousseau further teaches wherein in addition the system comprises a microphone to record a sound of a voice of the participant during the shooting of the participant, [§0046 Note data analysis of voice inherently requires a microphone (Provisional §0040)] combining means to combine the recorded sound of the voice of the participant with the image of the participant [§0017 speech] and the mixing means includes a modifying unit to change amplitude-frequency characteristics [Note for example Dourousseau teaches in §0052 mathematical signal processing with audio synthesizers 18 of the recorded sound which includes speech in a modifiable multimedia presentation – see i.e. §0022] of the voice of the participant in response to a

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change of the parameters of the measured data which corresponds to dishonesty of the participant after the verbal influence such as a testing question. [§0019 library of cognitive and stress related signal processing algorithms]

It would have been obvious to one having ordinary skill in the art at the time of invention to have employed the modifiable multimedia presentation with voice of Durousseau in the system for creation of video-programs of Latypov in order to expand real-time polygraphy by confronting the examinee with his own reactions, as explicitly taught by Durousseau.

Regarding claim 2, Latypov further teaches wherein the mixing means includes an additional modifying unit to modify the videoimage of the videoprogram and/or its soundtrack in response to a change of the parameters of the measured data [see i.e. Fig. 3 image former 18 as described in col. 5, lines 32-37]

Regarding claim 3, Latypov further teaches wherein the additional modifying unit is capable to modify the image of the participant and/or another object of the video-image of the videoprogram in manner to change its form and/or color and/or luminance and/or contrast and/or frequency of occurrence. [col. 3, lines 13-17]

Regarding claims 4 & 21 Latypov further teaches wherein the additional modifying unit is capable to form a separate animated image [see i.e. col. 7, lines 62-63] which reflects a level of the change of the parameters of the measured data. [col. 5, lines 16-24, note separate display] Note that computer-formed images are inherently animated and inherently able to be formed in accordance with other information

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available to the computer, such as the psycho-physiological information as discussed in connection with claim 1]

Regarding claims 5 & 19, DuRousseau further teaches claim 2, wherein it is a transforming means to transform the sound of the voice of the participant into an appropriate text and to add the appropriate text as its image to the videoimage of the videoprogram. [§0017, lines 2-3, note voice and text (Provisional §0013) and also §0032 voice data processing]

It would have been obvious to one having ordinary skill in the art at the time of invention to have employed the voice stresses-detector of Durousseau in the system for creation of videoprograms of Latypov in order to observe the real-time effect of sound- and physiologically-enhanced responses of an examinee, as explicitly taught by Durousseau.

Regarding claims 6 & 20, DuRousseau further teaches wherein the additional modifying unit is capable to modify the image of the appropriate text in manner to change its form and/or color and/or luminance and/or contrast and/or frequency of occurrence. [0046] Note that Durousseau teaches adding text to a multimedia presentation and shows [FIG. 1 PC 16] a PC which would inherently provide the means to change the form (or font) of displayed text, thus meeting the limitation.

It would have been obvious to one having ordinary skill in the art at the time of invention to have employed the text-image modification of Durousseau in the system for creation of videoprograms of Latypov in order to observe the real-time effect of sound-

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and physiologically-enhanced responses of an examinee, as explicitly taught by Duroousseau.

Regarding claims 7 & 23, DuRousseau further teaches wherein the measuring means is carried out as a voice stresses-detector reacting to the sound of the voice of the participant recorded by the microphone. [§0046 polygraph performing data analysis on voice (Provisional §0040)]

It would have been obvious to one having ordinary skill in the art at the time of invention to have employed the polygraph of Duroousseau in the system for creation of videoprograms of Latypov in order to observe the real-time effect of sound- and physiologically-enhanced responses of an examinee, as explicitly taught by Duroousseau.

Regarding claim 8. DuRousseau further teaches wherein the measuring means is carried out as a strain-measuring platform. [§0032, lines 4-11 (Provisional §0026)]

It would have been obvious to one having ordinary skill in the art at the time of invention to have employed the strain-measuring of Duroousseau in the system for creation of videoprograms of Latypov in order to observe the real-time effect of sound- and physiologically-enhanced responses of an examinee, as explicitly taught by Duroousseau.

Regarding claims 9 & 24. Duroousseau further teaches wherein the measuring means is carried out as a polygraph. [§0046, line 2]

It would have been obvious to one having ordinary skill in the art at the time of invention to have employed the polygraph of Duroousseau in the system for creation of

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videoprograms of Latypov in order to imbue the system with known polygraphic analysis techniques, as explicitly taught by Duroousseau.

Regarding claims 10 & 25, Latypov further teaches wherein the measuring means includes a sensor unit to measure physiological parameters of an organism of the participant which give in to measuring and reflect the reflex psychophysiological reaction of the participant after the testing question. [col. 5, lines 19-21 & 32 - 36]

Regarding claims 11 & 26 Duroousseau further teaches wherein the sensor unit comprises a gauge or gauges chosen of a following group: a gauge of a pulse wave, a gauge of a pulse rate, a gauge of frequency of respiration, a gauge of bioelectric signals of a brain, and a gauge of electric conduction of a skin. [§0024, lines 4-5 (Provisional §0020)]

It would have been obvious to one having ordinary skill in the art at the time of invention to have employed the gauges of Duroousseau in the system for creation of videoprograms of Latypov in order to provide scientifically verifiable observations, as explicitly taught by Duroousseau.

Regarding claim 12, claim 12 is directed towards method steps which correspond to the means of the device disclosed in claim 1, and is likewise rejected.

Regarding claim 13, claim 13 is directed towards method steps which correspond to the means of the device disclosed in claim 2, and is likewise rejected.

Regarding claim 14, claim 14 is directed towards method steps which correspond to the means of the device disclosed in claim 3, and is likewise rejected.

Regarding claim 15, claim 15 is directed towards method steps which correspond to the means of the device disclosed in claim 5, and is likewise rejected.

Regarding claim 16, claim 16 is directed towards method steps which correspond to the means of the device disclosed in claim 6, and is likewise rejected.

Regarding claim 17, claim 17 is directed towards method steps which correspond to the means of the device disclosed in claim 4, and is likewise rejected.

Regarding claim 18, claim 18 is directed towards method steps which correspond to the means of the device disclosed in claim 10, and is likewise rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE VIRANY whose telephone number is (571)270-5893. The examiner can normally be reached on M-Th 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

LV